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Toll-Free InfoLine: 866-787-5AIR (866-787-5247)

Montana's *NEW...*

# Clean *Indoor Air* Act

## ANSWERS to Your Questions

*It is important for business and property managers to recognize that the Montana Legislature enacted the Montana Clean Indoor Air Act to protect the health of Montana's workers and citizens.*

### Q: What is Montana's New Clean Indoor Air Act?

**A:** The **Montana Clean Indoor Air Act**, is an act of the Montana Legislature to establish protections for all Montanans from the hazards of secondhand smoke in all elementary and secondary schools, and requires most work places and places open to the public throughout the state to be smokefree. The objective of the Act is to protect students, employees, and the public from the preventable health problems caused by breathing secondhand tobacco smoke.

### Q: What places are covered by the new law?

**A:** With limited exceptions, the law prohibits using tobacco products in all publicly funded school and school properties and eliminates tobacco smoke from enclosed public places, including restaurants, stores, public and private office buildings, trains, buses, and other forms of public transportation, health care facilities, auditoriums, arenas, assembly facilities, meeting rooms open to the public, bars, community college facilities, facilities of the Montana university system, and local government buildings.

### Q: When does the new law go into effect?

**A:** The law goes into effect on October 1, 2005. However, limited exceptions may be granted until October 1, 2009, for the following:

- Some bars that meet the provisions of the law may qualify for an exception until October 1, 2009: In order to qualify for this exception, the following conditions must be met:
  1. At least 60% of the establishment's revenue comes from alcohol sales, gambling, or both;
  2. There can be no infiltration of tobacco smoke into an adjacent nonsmoking area.
- Private residences (unless the residence is used as family or group day-care or adult foster care homes, or health care facilities);
- Private vehicles;
- Hotel rooms designated as smoking rooms (a hotel or motel may designate no more than 35 percent of its rooms as smoking rooms); and
- Sites being used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996A.

A licensed alcohol establishment may not allow any member of the public under age 18 to be present in any part of the establishment where smoking is permitted. Local government buildings must be smokefree by no later than July 1, 2006.

**Q: How is a bar defined in the new law?**

**A:** A bar means an establishment licensed to serve alcoholic beverages for consumption by guests or patrons on the premises and in which serving food is only incidental to the service of alcoholic beverages and/or gambling operations. This includes but is not limited to taverns, night clubs, cocktail lounges, and casinos. The law stipulates that at least 60 percent of an establishment's annual gross income must come from the sale of alcoholic beverages or gambling receipts, or both, to qualify for the exception previously noted.

**Q: What are the penalties for violations of the new law?**

**A:** An individual who owns, manages, operates, or otherwise controls a public place or place of employment and who permits smoking in that place is guilty of a misdemeanor after a third violation within a three-year period and would be warned, reprimanded, or punished as follows:

- A warning for the first violation
- A written reprimand for the second violation
- Within a three year period, a fine of:
  - ✓ \$100 for a third violation
  - ✓ \$200 for a fourth violation
  - ✓ \$500 for a fifth or subsequent violation

\*The law also stipulates that an individual (employee or customer) who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to a fine of between \$25 and \$100.

**Q: Who is responsible for enforcing the new law?**

**A:** The law directs the **Montana Department of Public Health and Human Services** (Department) and the Department's designees, local boards of health, and the boards' designees under the direction of the Department to be responsible for supervising and enforcing the law.

**Q: What should I be doing NOW, before the *Administrative Rules* are officially released?**

**A:** Since tobacco smoke causes health problems, disease and death, the best thing to do is to go smokefree for the health of your employees and your customers. Going smokefree is what most businesses will need to do to comply with the new law. Look for additional materials in the mail from the Montana Tobacco Use Prevention Program on going smokefree.

**Q: Where can I see the new law in its entirety?**

**A:** The full law may be seen in .PDF format at:

<http://data.opi.state.mt.us/bills/2005/BillPdf/HB0643.pdf>

It may also be seen in HTML format at:

<http://data.opi.state.mt.us/bills/2005/billhtml/HB0643.htm>

**Need More Information on Montana's NEW Clean *Indoor Air* Act?**

Contact the Montana Tobacco Use Prevention Program for more information and for the names of local educators or representatives who may be able to answer your questions.

**Montana Tobacco Use Prevention Program**

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